

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

INDIGO WILLIAMS,
on behalf of her minor child J.E., et al.

PLAINTIFFS

v.

CIVIL ACTION NO: 3:17-cv-404

GOVERNOR PHIL BRYANT et al.

DEFENDANTS

UNOPPOSED MOTION FOR EXTENSION OF TIME

COME NOW Defendants, Gov. Phil Bryant, Speaker of the Mississippi House of Representatives Phillip Gunn, Lieutenant Gov. Tate Reeves, Secretary of State Delbert Hosemann, State Superintendent of Education Carey Wright, Chair of the Mississippi State Board of Education Rosemary Aultman, Mississippi State Board of Education Member Jason Dean, Mississippi State Board of Education Member Buddy Bailey, Mississippi State Board of Education Member Kami Bumgarner, Mississippi State Board of Education Member Karen Elam, Mississippi State Board of Education Member Johnny Franklin, Mississippi State Board of Education Member Williams Harold Jones, Mississippi State Board of Education Member John Kelly, and Mississippi State Board of Education Member Charles McClelland (collectively, “State Defendants”), and file their Motion for Extension of Time to File Reply Brief as follows:

1. Plaintiffs filed the instant Complaint against the State Defendants on May 23, 2017. *Doc [1]*. The State Defendants’ response to the Complaint—a motion to dismiss—was filed on July 24, 2017. *[Doc. 23]*. The State Defendants’ current response to the Plaintiffs’ oppositional response is due September 22, 2017.

2. The State Defendants request an extension of time to file their reply until October 10, 2017. Counsel respectfully submits that the amount of time requested is reasonable under the

circumstances, will not prejudice any party, and is not made for purposes of mere delay, nor is it the consequence of a lack of attention by the undersigned.

3. Instead, the request is made due to prior obligations and time constraints of counsel for the State Defendants including, but not limited to, two opposition briefs to petitions for certiorari in the U.S. Supreme Court, summary judgment briefing in Case No. 3:16cv740 (S.D. Miss.), and appellate briefing in Case No. 17-60515 (Fifth Circuit). In addition, undersigned counsel for Defendant will be out of the office for a short period due to a personal matter.

4. This motion is not made for purposes of delay, but instead to allow the State Defendants time to adequately respond to the oppositional response.

5. Counsel for Plaintiffs has been contacted regarding the instant motion and does not object to the extension.

6. Given the nature of this motion, the State Defendants request that the requirement of a separate memorandum in support be waived.

For these reasons, the State Defendants request an extension of time, up to and including October 10, 2017, by which to file their reply in support of their motion to dismiss.

Respectfully submitted this the 18th day of September, 2017.

**BY: JIM HOOD, ATTORNEY GENERAL
STATE OF MISSISSIPPI**

BY: /s/ Krissy C. Nobile
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Counsel for the State Defendants

CERTIFICATE OF SERVICE

This is to certify that on this day I, Krissy C. Nobile, electronically filed the foregoing document with the Clerk of the Court using the ECF system, which sent notice to all counsel of record.

THIS the 18th day of September, 2017.

/s/Krissy C. Nobile
KRissy C. NOBILE